

**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

AN ORDINANCE TO ABANDON A PORTION OF OLD HAPEVILLE ROAD, SW LOCATED BETWEEN BAKER DRIVE AND I-75 CONSISTING OF 0.468 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 68 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request from the owner of the abutting property, to abandon a portion of Old Hapeville Road described in Exhibit "A" attached hereto ("Old Hapeville Road"); and

WHEREAS, the request to abandon said portion of Old Hapeville Road has been reviewed by the proper City agencies, all public utilities, neighborhood planning units, and other applicable entities referenced in Section 138-9 (b) (2) prior to passage of this legislation; and

WHEREAS, the Commissioner of the Department of Public Works has determined that the portion of Old Hapeville Road, as described in Exhibit "A" is no longer necessary for the public's use and convenience as a public right-of-way; and

WHEREAS, the abandoned portion of Old Hapeville Road will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

Section 1: That the portion of Old Hapeville Road, SW located between Baker Drive and I-75, consisting of 0.468 acres, more or less, and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 68 of the 14th District, Fulton County, Georgia, is hereby declared no longer useful or necessary for the public's use and convenience.

Section 2: That the Applicant is required to meet the requirements of Section 138-9 of the City of Atlanta Code of Ordinances, including having the abandonment request reviewed by the police, fire, and planning departments.

Section 3: That the City hereby expresses its intent to abandon Old Hapeville Road (as hereinabove defined).

Section 4: The abutting property owner has agreed to pay the fair market value of the abandoned street as determined by an appraisal to be prepared for the abandoned portion of Old Hapeville Road.

Section 5: That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

Section 6: That the Chief Procurement Officer be and is hereby authorized to appraise said street to determine its fair market land value.

Section 7: That all costs associated with the appraisal report shall be charged to and paid from Account Number 7701 (TRUST FUND)130308 (DPW TRANSPORTATION DESIGN) 5414002 (FACILITIES OTHER THAN BLDGS/INFRASTRUCTURE-CIP) 4270000 – (TRAFFIC ENGINEERING) 101619 – (CITYWIDE SIDEWALK PROGRAM, CD-588) 91494 – (TRUST FUND 9999).

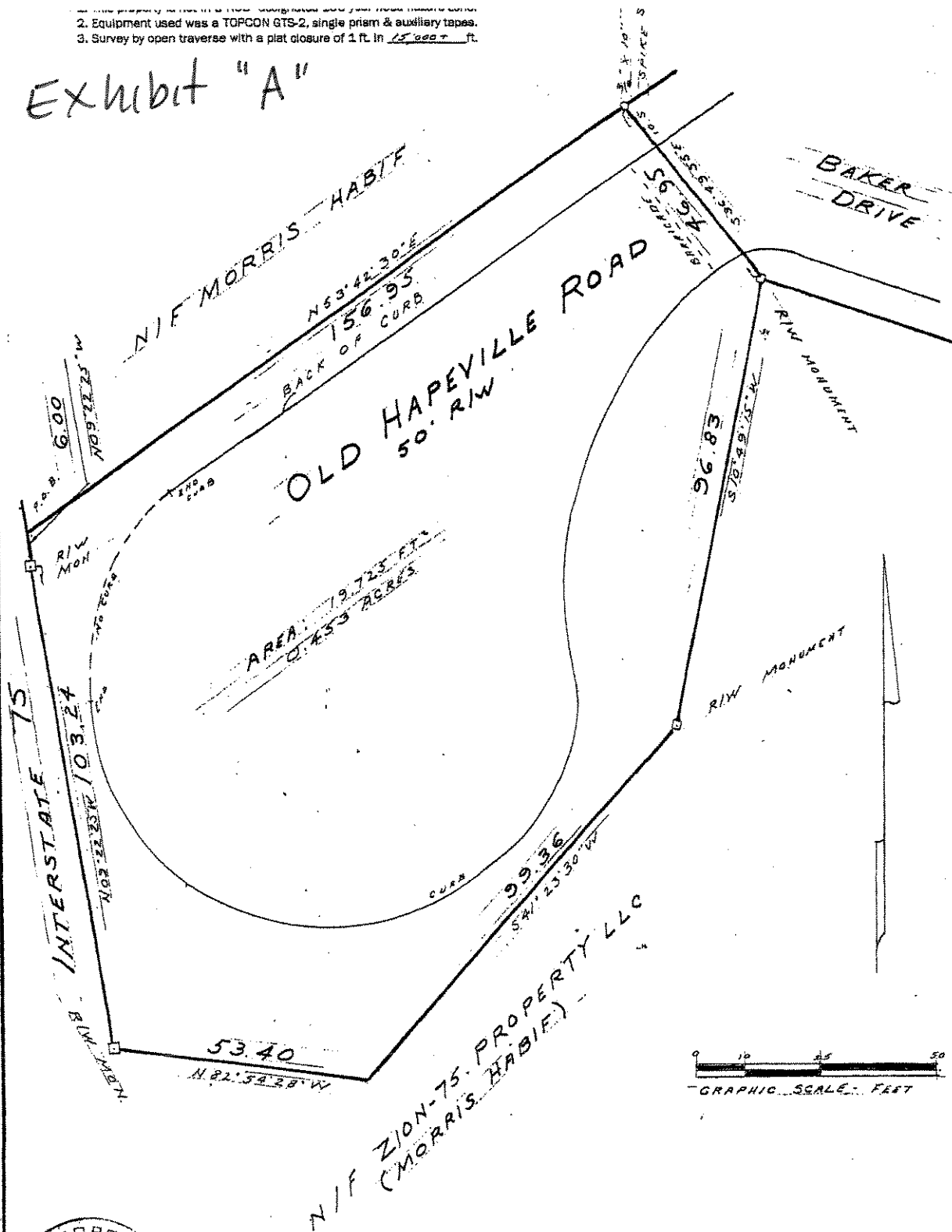
Section 8: The date of execution of this ordinance by the Mayor shall be the effective date of abandonment.

Section 9: That the Mayor be and is hereby authorized to execute a quitclaim deed to said portion of Old Hapeville Road as described above.

Section 10: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

2. Equipment used was a TOPCON GTS-2, single prism & auxiliary tapes.
3. Survey by open traverse with a plat closure of 1 ft. in 15,000 ft.

Exhibit "A"



ROY E. HOUSWORTH, JR.
 REG. SURVEYOR #1204
 106 FAIRVIEW BUILDING
 403 W. PONCE DE LEON AVE.
 DECATUR, GEORGIA 30030
 PH & FAX (404) 377-7240

SURVEY FOR MORRIS HABIF

LAND LOT 68~14TH DISTRICT
 FULTON COUNTY, GEORGIA
 CITY OF ATLANTA
 SCALE: 1"= DATE: 8/8/07

Exhibit "A"

Legal Description

All that tract or parcel of land lying and being in Land Lot 68 of the Fourteenth District of Fulton County, Georgia and more particularly described as follows:

Beginning at a point formed by the intersection of the northeasterly right of way of Interstate Highway 75 and the northwesterly right of way of Old Hapeville Road; thence N53°42'30"E 156.95 feet along the northwesterly right of way Of Old Hapeville Road to a 3/8" spike set; thence S36°49'55"E 46.95 feet to a right of way monument at Baker Drive; thence S10°49'15"W 96.83 feet to a right of way monument; thence S41°23'30"W 99.36 feet to a point; thence N82°54'28"W 53.40 feet to a right of way monument on the northeasterly right of way of Interstate Highway 75; thence N09°22'25"W along said right of way 103.24 feet to a right of way monument; thence continuing along said right of way N09°22'25"W 6.00 feet to the point of beginning all according to a survey dated August 8, 2007 by Roy E. Housworth, Jr., Georgia Registered Land Surveyor No. 1204.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities Committee

Caption: AN ORDINANCE TO ABANDON A PORTION OF OLD HAPEVILLE ROAD, SW LOCATED BETWEEN BAKER DRIVE AND I-75 CONSISTING OF 0.468 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 68 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

Council Meeting Date: November 3, 2008

Requesting Dept.: Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to abandon a portion of Old Hapeville Rd, SW located between Baker Drive and I-75.

2. Please provide background information regarding this legislation.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center: 7701 (TRUST FUND)130308 (DPW TRANSPORTATION DESIGN) 5414002 (FACILITIES OTHER THAN BLDGS/INFRASTRUCTURE-CIP) 4270000 – (TRAFFIC ENGINEERING) 101619 – (CITYWIDE SIDEWALK PROGRAM, CD-588) 91494 – (TRUST FUND 9999)

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Soraya Belgrave

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: October 1, 2008

Anticipated Committee Meeting Date(s): October 28, 2008

Anticipated Full Council Date: November 3, 2008

Legislative Counsel's Signature: Saul Schultz

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE TO ABANDON A PORTION OF OLD
HAPEVILLE ROAD, SW LOCATED BETWEEN BAKER DRIVE
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ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 68
OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND
FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 10/1/08 Amc Reviewed by: _____
(date) (date)

Submitted to Council: _____